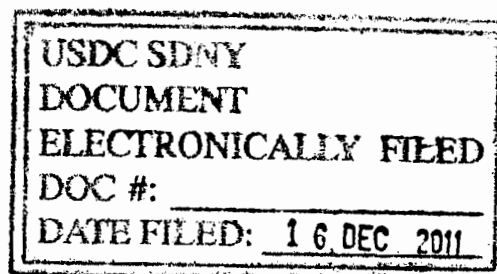


PREET BHARARA

United States Attorney for the
Southern District of New York

By: BRIAN K. MORGAN
JEFFREY S. OESTERICH

Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-2699/2698
Facsimile: (212) 637-2717



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
AMERICAN CIVIL LIBERTIES UNION;
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION,
UNITED STATES DEPARTMENT OF JUSTICE,

Defendants.
----- X
-

ECF Case

11 Civ. 6398 (LTS)

**FIRST STIPULATION AND
ORDER REGARDING
DOCUMENT SEARCHES AND
PROCESSING BY THE U.S.
DEPARTMENT OF JUSTICE**

WHEREAS, on September 14, 2011, Plaintiffs the American Civil Liberties Union and the American Civil Liberties Union Foundation (collectively, "Plaintiffs") filed a complaint for injunctive relief (the "Complaint") pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), naming as one of the defendants the U.S. Department of Justice ("DOJ");

WHEREAS, the Complaint sought an order requiring, among other things, that DOJ process documents responsive to the FOIA request that Plaintiffs submitted to DOJ's Office of Information Policy ("OIP") on March 15, 2011;

WHEREAS, DOJ, along with the other defendant, the Federal Bureau of Investigation, answered the Complaint on October 17, 2011;

WHEREAS, Plaintiffs and DOJ have agreed to a schedule for searching, processing, and production of documents that are found to be responsive to Plaintiff's FOIA request.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among Plaintiffs and DOJ as follows:

1. DOJ will search for responsive documents only within the following components: the Office of the Attorney General, the Office of the Deputy Attorney General, and the Office of Legal Policy. DOJ will limit its search and processing to final documents – *i.e.*, drafts will be excluded. DOJ will exclude electronic mail from its search and processing.

2. By January 15, 2012, DOJ will complete its search for documents that are potentially responsive to Plaintiff's FOIA request. Within two weeks of the completion of DOJ's search, Plaintiffs and DOJ will meet and confer regarding the results of the search.

3. By April 15, 2012, DOJ will process all responsive documents located in its searches conducted pursuant to paragraph 2, and will either produce them to Plaintiffs, or notify Plaintiffs of the complete or partial withholding of documents pursuant to an applicable FOIA exemption.


4. Within three weeks of the completion of all productions and/or notifications discussed above, the parties will meet and confer regarding the documents withheld in whole or in part by DOJ, and Plaintiffs will notify DOJ if they intend to object to any of these withholdings. If Plaintiffs indicate that they object to one or more of these withholdings, the parties will endeavor to resolve or narrow the parties' differences. To the extent necessary, the parties will attempt to agree upon, or else request that the Court establish, a schedule for DOJ to

prepare a formal or informal index of the exemptions claimed for the withheld documents at issue, and for the parties to brief to the Court the propriety of the relevant withholdings.

Dated: December 16, 2011
New York, New York

PROSKAUER ROSE LLP
Attorneys for Plaintiffs

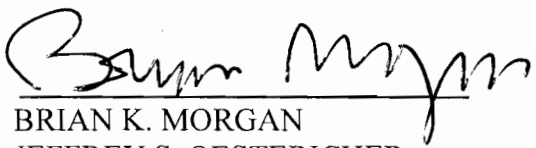
By:



CHARLES S. SIMS
RICHARD I. HADDAD
11 Times Square
New York, NY 10036
Telephone: 212-969-3000
Facsimile: 212-969-2900

PREET BHARARA
United States Attorney for
the Southern District of New York
Attorney for the U.S. Dep't of Justice


By:



BRIAN K. MORGAN
JEFFREY S. OESTERICH
Assistant United States Attorneys
86 Chambers Street, 3rd floor
New York, NY 10007
Telephone: 212-637-2699/2698
Facsimile: 212-327-2717

Date:

SO ORDERED.



HON. LAURA TAYLOR SWAIN
United States District Judge